

**Memorandum of Understanding
Regarding the Statewide License and Record Database
Utilization for Eligibility to Purchase Ammunition**

WHEREAS, Chapter One of the Laws of 2013 added Penal L. §400.03, the provisions of which were intended to create a statewide system for the purposes of allowing sellers of ammunition to determine a purchaser's eligibility to possess ammunition pursuant to state and federal laws.

WHEREAS, Paragraph three of Penal L. §400.03 requires that prior to the utilization of the Statewide License and Record Database established pursuant to Penal L. §400.02 (hereinafter, "the Database"), the superintendent of the state police must certify that such Database is operational for the purposes of Penal L. §400.03, and the requirement under that section to perform such an eligibility check shall not be effective until thirty days after such certification.

WHEREAS, as of this date, no such certification has been made, and the superintendent has previously informed the legislature of the lack of adequate technology to allow the Database to so operate.

WHEREAS, Chapter One of the Laws of 2013 amended Penal L. §400.00 to add paragraph 16-b that required that the cost of the software, programming and interface required to transmit any record that must be electronically transmitted by the dealer or licensing officer to the division of state police pursuant to this chapter shall be borne by the state. The intent of this provision was to ensure that the cost for performing the eligibility check would not fall on the sellers of ammunition, who may in turn seek to recover such cost by a fee to the purchaser. As each point of sale at each retail site for each seller of ammunition will need to be adapted to allow for the eligibility check, such software, programming and interface would need to be maintained, updated, repaired or replaced on an ongoing basis.

WHEREAS, for the reasons stated above, the undersigned acknowledge that the Database cannot be established and/or function in the manner originally intended at this time;

NOW BE IT THEREFORE,

RESOLVED, that the provisions of Penal L. §400.03, in that they reference the use of the Database to implement and enforce, shall be suspended until such time as the undersigned have determined that the aforementioned concerns have been satisfactorily resolved;

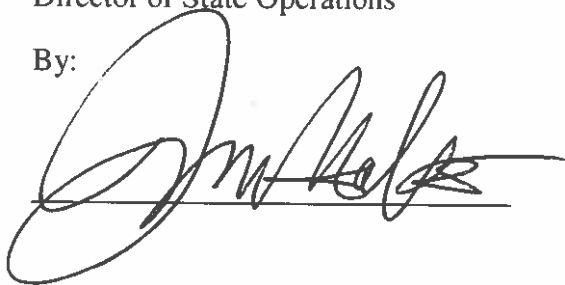
RESOLVED, that no certification of the Database as operational shall be made by the superintendent of the state police until a plan to implement the Database established pursuant to Penal L. §400.02 has been approved by the undersigned; and

RESOLVED, that no expenditures of state monies shall be allocated for the purposes of purchasing and installing software, programming and interface required to transmit any record for the purpose of performing an eligibility check, as authorized by Penal L. §400.00(16-b) until such time as a plan for the cost of such has been approved by the undersigned.

AGREED:

Director of State Operations

By:

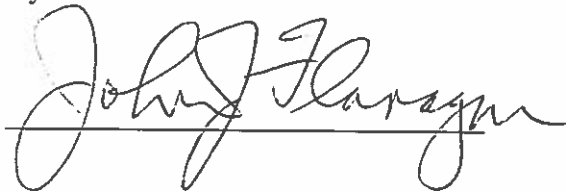
A handwritten signature in black ink, appearing to be "J. M. Kelly", written over a horizontal line.

7/10/15

Date

Temporary President of the New York State Senate

By:

A handwritten signature in black ink, appearing to be "John J. Flanagan", written over a horizontal line.

7/10/2015

Date